



# **Delegation of Authority Item #20 October 11, 2007**

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Environmental Resource Regulation Department

## Delegation of Authority

- Approximately 2,200 conservation easements have been recorded in favor of the District since 1995.
- Purpose of easements is to legally protect preservation areas, as well as mitigation areas, in accordance with ERP permitting criteria.
- Pursuant to Section 704.06, F.S., conservation interests may also be preserved through restrictive covenants or plat restrictions. However, these types of restrictions are rarely used.



## Delegation of Authority

- These easements or restrictions are required to be in place prior to impacts to wetlands and are normally recorded prior to any construction occurring on a project site.
- Periodically, the District receives requests for small encroachments (usually less than one acre) into these areas, including requests to accommodate roadways, associated appurtenances and utilities required by other government entities.



## Delegation of Authority

- In order to increase efficiency in the processing of requests proposing minimal impacts (less than one acre) to areas under existing conservation easement, restrictive covenant or plat restriction, staff is requesting that authorization be delegated to the Executive Director for partial releases of less than one acre.
- Release of an easement will only be processed concurrently with a modification of the permit.



## Delegation Authority

- Wetland or upland preservation, as well as mitigation requirements will be addressed as appropriate and consistent with District rules through the permit modification process.
- If the easement was provided as mitigation, equivalent mitigation must be provided prior to the release.



## Delegation Authority

- This recommendation is consistent with an existing delegation that allows staff to issue Standard General Permits for projects less than 100 acres in total size and propose less than one acre of wetland impact (Chapter 40E-40, F.A.C.).



## Delegation of Authority

- Staff is recommending that Section 101-46 Land Resources Delegations be revised as follows:
  - (a) The Governing Board delegates to the Executive Director authority for the following:
    - (1) Accepting, amending or correcting conservation easements that have been conveyed to the District in connection with the District's issuance of permits; or releasing portions of conservation easement, restrictive covenants or plat restrictions granted pursuant to Section 704.06, F.S., comprising less than one acre in size.

